

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

TIMOTHY SCOTT FOSSUM,

Plaintiff,

v.

BRIAN LAMM, et al.,

Defendants.

Case No. 1:24-cv-01374-JLT-SAB

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CASE**

Timothy Scott Fossum, who is proceeding *pro se* and *in forma pauperis*, commenced this action on November 8, 2025. (Doc. 1.) On November 15, 2024, the assigned magistrate judge screened the complaint, found that it failed to state a claim, and gave Plaintiff thirty days to file an amended complaint. (Doc. 7.)

On December 6, 2025, Plaintiff filed an amended complaint. (Doc. 10.) On January 13, 2025, the assigned magistrate judge screened the amended complaint, again found that it failed to state a claim upon which relief could be granted and gave Plaintiff another thirty days to file a second amended complaint. (Doc. 12.) Plaintiff failed to file an amended complaint by the deadline, and the assigned magistrate judge issued an order directing Plaintiff to show cause why this matter should not be dismissed. (Doc. 13.) Plaintiff failed to file a response by the deadline, and on April 11, 2025, the assigned magistrate judge issued findings and recommendations, recommending that this matter be dismissed for failure to state a claim, failure to prosecute, and failure to comply with a court order. (Doc. 14.) That order informed Plaintiff that he had

1 fourteen days to file any objections and warned him that “failure to file objections within the
2 specified time may result in the waiver of rights on appeal.” (*Id.* (citing *Wilkerson v. Wheeler*,
3 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not object.

4 According to 28 U.S.C. § 636(b)(1)(C), this Court has conducted a *de novo* review of this
5 case. Having carefully reviewed the entire file, the Court concludes the findings and
6 recommendations are supported by the record and by proper analysis. Thus, the Court

7 **ORDERS:**

- 8 1. The findings and recommendations (Doc. 14) filed April 11, 2025, are **ADOPTED**
9 **IN FULL.**
10 2. This matter is **DISMISSED** without prejudice.
11 3. The Clerk of Court is directed to **CLOSE THIS CASE.**

12
13 IT IS SO ORDERED.

14 Dated: **May 5, 2025**


UNITED STATES DISTRICT JUDGE